

Town Board Minutes

Meeting No. 20

Special Meeting

June 17, 2002

Town Board Minutes

June 17, 2002

Meeting No. 20

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 17th day of June 2002, at 6:30 PM and there were

PRESENT:

ROBERT GIZA, SUPERVISOR
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
STANLEY KEYS, PLANNING BOARD CHAIRMAN
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT:

REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER

ALSO PRESENT:

JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for the purpose of two (2) actions.

IN THE MATTER OF THE SEQR REVIEW OF THE

WAL-CEM REALTY CORPORATION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Wal-Cem Realty Corporation matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
WAL-CEM REALTY CORPORATION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 0.65 acres.

The location of the premises being reviewed is situated at 4039 Walden Avenue.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR617.14(g).
15. There may be a small to moderate impact on existing transportation systems. It is noted that potentially, the property is within the area being studied for the North/South corridor; this will not affect any more than the building which already exists in this area.

16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community. It is noted that there will be a small increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

June 17, 2002

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

June 17, 2002

IN THE MATTER OF THE SEQR REVIEW OF THE

FAIRWAY HILLS SUBDIVISION

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the amended petition of Fairway Hills Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER MYSZKA, TO WIT:**

RESOLVED, that the following Reaffirmation of Findings Statement be adopted:

**NOTICE OF DETERMINATION
FAIRWAY HILLS SUBDIVISION
NEGATIVE DECLARATION INCLUDING A
REAFFIRMATION OF FINDINGS
MADE ON JANUARY 3, 1994 FOR THE
ORIGINAL SUBDIVISION PROJECT**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Reaffirmation of Findings for the purposes of Article 8 of the Environmental Conservation Law.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 233± acres.

The location of the premises being reviewed is situated on William Street, in the Town of Lancaster, County of Erie.

WHEREAS, the Town of Lancaster, as Lead Agent, issued a Findings Statement on January 3, 1994 on an action consisting of approximately 179± acres in the Town of Lancaster, to be developed as approximately 410 - 420 single family residential units and semi-private nine (9) hole golf course; and

WHEREAS, the parcel of land is bordered on the north by William Street and on the west by Bowen Road; and

WHEREAS, the applicant North Forest Development, on April 23, 2000 filed an Environmental Assessment Form ("EAF") in connection with an application for subdivision approval, thereby revising the original request for 410 - 420 single family residential development with golf course. An amended sketch plan was filed on or about January 7, 2002;

WHEREAS, the EAF described the action as the development of a 341 lot single family residential subdivision on a 233 ± acre parcel of land in the Town of Lancaster, including extension of sanitary sewers to existing Brunk Road facilities; and

WHEREAS, the lead agency, the Town of Lancaster through the review of the Municipal Review Committee ("MRC") has reviewed the EAF for the subject action as revised; and

WHEREAS, the MRC has compared the potential environmental impacts for the subject action as revised, to the impacts of the original action; and

WHEREAS, the MRC has compared the January 3, 1994 Findings Statement to the subject action as reviewed and concludes:

1. The Town of Lancaster has reviewed the subject action as revised and determines that the revised action results in no substantial change to that previously considered. The potential significant adverse environmental impacts were adequately identified and addressed in the original Environmental Impact Statement ("EIS") and Findings Statement.
2. Construction, which may continue for up to ten (10) years, will have a small to moderate impact upon the physical characteristics of the site. As determined in the 1994 EIS there are no historic structures or sites within the project area. Further, there are no archeologically significant sites present within this project area. The original subdivision which was the subject of an EIS provided for approximately 374 residential sublots. This plan while adding approximately 100 sublots southerly and contiguous to the original plan actually results in a reduced total between the two sites of 341 sublots since 133 lots which were originally proposed along William Street as a part of the original project have been eliminated.
3. The proposed action will not affect any unique or unusual land forms found on the site.

4. The proposed action will not affect any water body designated as protected.
5. The proposed action will not affect any non-protected existing or new body of water.
6. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
 - b) After build out, the proposed action will use water in excess of 20,000 gallons per day.
 - c) The applicant proposes the use of storm water detention areas together with preservation of existing wetland on the original subdivision site from 1994 and on the site presently under review. The design and construction of storm water facilities will adequately address surface or ground water quality and quantity and the management of same.
7. The proposed action will have a beneficial effect on drainage flow patterns and surface water runoff due to the implementation of a drainage plan.
8. The proposed action will not affect air quality.
9. The proposed action will not affect any threatened or endangered species.
10. The proposed action will not substantially affect non-threatened or non-endangered species.
11. The proposed action will not affect agricultural land resources. It is noted the this project's land was removed from the County Agricultural District in the year 2000 by the Erie County Legislature.
12. The proposed action will not affect aesthetic resources. In the EIS and Findings from 1994 there was consideration given to impacts on residences along William Street. The area presently under review is south of the original planned development and will not impact directly from an aesthetic standpoint the residential development along William Street.
13. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
14. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

In the original proposal approved in 1994, there was a potential impact identified for the loss of open space. There was concern regarding wetland located adjacent to the site. In the plan the developer has submitted to the Town wetland disturbance is minimized in the area under review. The US Army Corp. of Engineers guidelines today are more strict then they were in 1994. The area at the far east of the original development plan and the plan under review show wetland area which will remain principally undisturbed and undeveloped.

15. The proposed action will have a small to moderate affect on existing transportation systems; there will be an alteration of the present pattern of movement of people. It is noted that the recent installation of a traffic signal at Bowen Road and William Street mitigates traffic concerns that were raised in the original environmental review completed in 1994. That review process indicated that there would be a need for signalization of the beforementioned intersection to properly and adequately deal with traffic which would ultimately be generated from the original site. This signal now having been installed addresses the concern for better traffic control from not only the original site but also from the additional development herein.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. During construction, there may be a small to moderate impact related to objectionable odors, noise, or vibration.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate affect on the character of the existing community.
 - a.) There will be a small to moderate change in land use density.
 - b.) There will be a small to moderate increase in demand for school, police and fire services. The build out of the development is estimated to take anywhere from six to ten years. Demographic studies in the Western New York area suggest that school age children generated from single family home development range from .5 student to .62 student per household. Considering the higher student generation factor of .62 on 341 home sites over the shorter duration of the estimated development time of six years there would be generated approximately 211 new students to the school district. The present enrollment of the district is approximately 5500 students.
 - c.) There will be a small to moderate increase in employment during construction.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.
21. That the impacts from the subject action as revised are no greater than the impacts considered in the original Findings Statement of January 3, 1994.

It is noted that Mr. Joseph Giallunza, who is one of this project's sponsors, also serves in the volunteer capacity of President of the Community Development Corporation for the Village of Lancaster. Mr. Stanley Keysa, Town of Lancaster Planning Board Chairman, serves the Village of Lancaster in the capacity of a consultant to the Community Development Corporation. Mr. Keysa has no financial interest in this project nor has he rendered any services in the matter of this project.

SEAL.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

June 17, 2002

and,

BE IT FURTHER

RESOLVED, that the MRC and the Town of Lancaster reaffirm that the Findings issued on January 3, 1994 apply to the subject action as revised; and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a Reaffirmation of Findings in this matter; and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a Reaffirmation of Findings in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and Reaffirmation of Findings with the Town Clerk as required or necessary.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Reaffirmation of Findings was thereupon adopted.

June 17, 2002

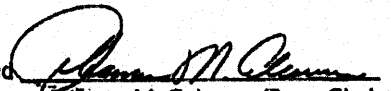
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KEYSA AND SECONDED BY
COUNCIL MEMBER KORZENIEWSKI FOR ADJOURNMENT OF THE MEETING, on
roll, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The meeting was adjourned at 6:59 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 21

Regular Meeting

June 17, 2002

Town Board Minutes

June 17, 2002

Meeting No. 20

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of June 2002 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCRACKEN, GENERAL CREW CHIEF

PERSONS ADDRESSING TOWN BOARD:

Bobak, Sharon, 3733 Bowen Road, spoke to the Town Board on the following matter:

- Comments/Questions about the inclusion of the N/S corridor in the Comprehensive Master Plan. She does not want it in the Master Plan.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Inquired what the credentials are of Joseph Marinelli who will be appointed to the Drug Abuse Prevention Council.
- Questions about a berm at Wal Mart
- Comments about the N/S corridor and its inclusion in the Comprehensive Master Plan.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Comments about the law suit filed by CARS challenging the Town's site plan approval of Wal Mart; stated that the residents want a 10 foot berm.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

- Comments about the acquisition of the Tops Distribution Center by C&S Wholesale Grocers, Inc.
- Presented the Supervisor with garbage from his yard which he claims comes from the Tops Distribution Center.
- Claims that Tops (Transit Road & Rehm Road) has a problem with their cash register calculations.

Korcz, Richard, 4946 William Street, spoke to the Town Board on the following matter:

- Questions about the forestry department and its budget.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions about change orders for Senior Citizen Building
- Questions about hiring of outside Counsel for a Police disciplinary matter.

Przybysz, Paul, 66 Northwood Drive, spoke to the Town Board on the following matter:

- Comments and concerns about the site plan approval for Wal Mart at Transit Road/William Street.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Comments about Senior Citizens.
- Questions about the Attorney who will be representing the Town on the Police disciplinary matter and the costs involved.
- Presentation of a letter to Police Chief dated June 2, 1999.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Questions about change orders for Senior Citizen Building.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law No. 4 of the Year 2002, which Local Law repeals in its entirety, Section 50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster, entitled "Fences and Walls", and enacts in place thereof a new Section 50-35 of Chapter 50, Article VII, entitled "Fences and Walls" of the Code of the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Comments
Dan Beutler	26 Tyler Street	Opponent
Jim Brett	659 Harris Hill Road	Comments/Questions
Roy Schneggenburger	87 Stony Road	Comments
Lee Chowaniec	93 Northwood Drive	Comments
Tom Ferry	125 Nichter Road	Proponent

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:54 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

June 17, 2002

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board held
on June 3, 2002 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO. TO WIT:

WHEREAS, Frank Waitland, F. J. Waitland Associates, Inc., 3922 Seneca Street, West Seneca, New York 14224, has submitted a Site Plan prepared by F. J. Waitland Associates, Inc. dated March 11, 2002, and received April 30, 2002 for the construction of a 9,000 sq. ft. pre-engineered steel building expansion on an existing 9,000 sq. ft. steel building located at Wal-Cem Realty Corporation, 4039 Walden Avenue, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting May 15, 2002, has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 17, 2002 and a negative declaration was issued at that time.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Frank J. Waitland, F. J. Waitland Associates, Inc., prepared by F. J. Waitland Associates, Inc. dated March 11, 2002 and received April 30, 2002 for the construction of a 9,000 sq. ft. pre-engineered steel building expansion on an existing 9,000 sq. ft. steel building to be located at Wal-Cem Realty Corporation, 4039 Walden Avenue, in the Town of Lancaster subject to the following conditions:

- Replace landscaping and trees.
- Dumpster to be screened.
- Detention basin to be installed to the satisfaction of the Town Engineer.
- Clean up on-site debris and maintain in clean fashion.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: aspwalcem602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ZARBO WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 3 of the Year 2002 deleting and repealing §50-35, of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster, entitled "Fences and walls.", was introduced to the Town Board of the Town of Lancaster on June 3, 2002, and

WHEREAS, a public hearing was duly called and held pursuant to law on June 17, 2002;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 3 of the Year 2002, deleting and repealing §50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster entitled "Fences and walls." and enacting a new §50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster as follows:

**ZONING
CHAPTER 50 - ARTICLE VII
REGULATIONS APPLYING TO ALL DISTRICTS
SECTION 50-35
FENCES AND WALLS
LOCAL LAW NO. 3
OF THE YEAR 2002**

A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 50-35 OF CHAPTER 50, ARTICLE VII OF THE ZONING CODE OF THE TOWN OF LANCASTER ENTITLED "FENCES AND WALLS," AND ENACTING IN PLACE THEREOF A NEW SECTION 50-35 OF CHAPTER 50, ARTICLE VII OF THE ZONING CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

(1) DELETING AND REPEALING IN ITS ENTIRETY §50-35 OF CHAPTER 50, ARTICLE VII OF THE ZONING CODE AND ENACTING IN PLACE THEREOF A NEW §50-35.

SECTION 1. That §50-35 of Chapter 50, Article VII of the Zoning Code be and is hereby deleted and repealed.

SECTION 2. That a new §50-35 of Chapter 50, Article VII of the Zoning Code be and is hereby enacted as follows:

§50-35.

Fences and walls.

- A.** No fence or wall in a residential district shall exceed six (6) feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight (8) feet in height; provided, however, that a fabric fence not exceeding twelve (12) feet in height enclosing a tennis court shall be permitted. For the purpose of screening, the Planning Board may require fences, vegetation or other appropriate material in nonresidential districts where they abut residential districts to assure privacy for adjacent land uses with visual, noise and air quality factors considered.
- B.** In no event shall fences or walls in nonresidential districts abutting residential districts exceed eight (8) feet in height.
- C.** Within nonindustrial districts, no fence or wall, other than a necessary retaining wall, over three (3) feet in height, shall extend into the front yard of any lot.
- D.** The height of all fences or walls shall be measured from the average finished grade of the lot.
- E.** The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
- F.** The Town Board reserves the right to deny or revoke a building permit for the installation of a fence where the Town Board in its discretion determines the fence as proposed to be installed would or could pose a threat to the public health, safety and welfare.
- G.** This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 3 of the Year 2002 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 3 of the Year 2002, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 3 of the Year 2002 within ten (10) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 4 OF YEAR 2002
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 17, 2002 Local Law No. 4 of the Year 2002 deleting and repealing §50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster and enacting a new §50-35 of Chapter 50, Article VII of the Zoning Code of the Town of Lancaster, briefly described as follows:

"A Local Law which repeals Section 50-35, Chapter 50 of Article VII of the Zoning Code of the Town of Lancaster, and enacts in place thereof a new Section 50-35, "Fences and walls."

"This Local Law will allow the Town Board the right to deny or revoke the installation of a fence upon application for a building permit where the Town Board in its discretion determines the fence as proposed to be installed would or could pose a threat to the public health, safety and welfare."

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 17, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER ZARBO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested the creation of one (1) additional position for the Town of Lancaster Highway Department, namely Laborer-Highway.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and sign Form PO-17 (New Positions Duties Statement) to create one position of Laborer-Highway.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: RPERS.CRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has heretofore established a joint Social Work Counselor Program with the Lancaster Central School District and desires to continue this program, and,

WHEREAS, the Town Board has received assurance of participation in State funding by the New York State Office of Children and Family Services and the Lancaster Central School District,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby agrees to continue a joint program for a Social Work Counselor to work in the Town of Lancaster with Lancaster Central School children in response to a demonstrated need for such services in order to reduce juvenile delinquency, enhance educational and social opportunities for youth of the Town of Lancaster and to reduce the impact of drug use, truancy, vandalism and juvenile pregnancy, and otherwise reduce the impact of social pressures upon single-parent youth, for the period commencing July 1, 2002 and ending June 30, 2003, and

2. That funding for the program, at a total annual cost of approximately \$50,839, which includes \$38,991 for direct salary, and \$11,848 for contractual expenses and fringe benefits, for the period July 1, 2002 to June 30, 2003 shall be provided at \$4,518 or approximately twelve percent (12%) of direct salary from the New York State Office of Children and Family Services; \$17,623 or approximately forty-five (45%) of direct salary, plus one half contractual expenses, and fringe benefit costs from the Town of Lancaster, to be drawn from the General Fund Account "Social Work Counselor Program", and \$16,850 or approximately 43% of direct salary plus one-half contractual expenses and fringe benefit costs, from the Lancaster Central School District, and

3. That the Supervisor be and hereby is authorized and directed to sign an Agreement to renew said program, said Agreement to be drawn by the Town Attorney, providing for participation in said program by the Town of Lancaster, the New York State Office of Children and Family Services and the Lancaster Central School District.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: Rstate.yth (P6)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated June 7, 2002, has requested the appointment of a member to the Drug Abuse Prevention Council of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed a member of the Town of Lancaster Drug Abuse Prevention Council for the period June 1, 2002 to December 31, 2003.

Joseph Marinelli
24 West Home Road
Bowmansville, New York 14026

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: RPERS.BD (P6)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER ZARBO. TO WIT:

RESOLVED, that the following individuals be and are hereby appointed members
of the Town of Lancaster Youth Board for the period June 1, 2002 to May 31, 2003:

Kate Mason
Keith Benkleman
Suzanne Jacobs

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: RPERS BD (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, JPMorgan Chase Bank has made a written proposal to act as a depository for the Town of Lancaster, and

WHEREAS, the Director of Administration and Finance and the Town Attorney have reviewed the proposal and recommended that the Town Board add JPMorgan Chase Bank as a designated depository for the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the proposal and recommendations and deems it in the public interest to add JPMorgan Chase Bank as an additional depository for the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby designates JPMorgan Chase Bank as a depository for the Town of Lancaster and further authorizes the Supervisor of the Town of Lancaster to execute all documents necessary to open an account with JPMorgan Chase Bank and further the Board authorizes the Supervisor or David Brown, Jean M. Fialkiewicz, or Lois Palano to act singly as authorized persons on behalf of the Town in connection with payment orders directed to JP Morgan Chase Bank, and

BE IT FURTHER

RESOLVED the Supervisor is authorized to execute the banks form entitled "Appointment of Designated Person(s) to Provide Call Back Verifications and Written Confirmations in Connection with Payment Orders", and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is duly authorized to certify the "Public Entity Resolutions" and the "Corporate Resolution Appointing Authorized Persons To Issue Payment Orders" in recognition of the actions taken by this Town Board resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

June 17, 2002

File: jpmorgan602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, JOHN MIELKO, 60 Summit Street, Lancaster, New York, the owner of a parcel of land located on 60 Summit Street, Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from a Residential District Two (R-2) to Agricultural Residential District (A-R), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1st day of July, 2002, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on June 20, 2002 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

June 17, 2002

**LEGAL NOTICE
PUBLIC HEARING
MIELKO REZONE/60 SUMMIT STREET
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, and adopted on June 17, 2002, the said Town Board will hold a Public Hearing on the 1st day of July, 2002 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential District Two (R-2) to Agricultural Residential District (A-R), and:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 3, Section 11, Township 11, Range 6 of the Holland Land Company's Survey, being sublots 81, 82, and 83 as shown on Map Cover 867, and sublots 17, 18, 19, and 20 as shown on Map Cover 470, being further described as follows:

BEGINNING AT A POINT on the east line of Belmont Avenue, 50.0 feet in width, said point being 567.76 feet northerly of Walden Avenue; thence continuing northerly along the east line of Belmont Avenue, 105.00 feet; thence easterly at right angles with Belmont Avenue, 110.74 feet; thence southerly at right angles, 11.00 feet; thence easterly at right angles, 118.00 feet to the west line of Summit Avenue; thence southerly along the west line of Summit Avenue, 60.00 feet; thence westerly at right angles with the west line of Summit Avenue, 118.00 feet; thence southerly at right angles, 34.00 feet; thence westerly at right angles, 110.74 feet to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

June 17, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated June 10, 2002, has recommended appointments for the Youth Bureau's 2002 Exam Preparation and Summer Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau's 2002 Exam Preparation and Summer Programs of the Town of Lancaster effective June 11, 2002 at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
George Rak 42 Bonita Drive Depew, New York	Tutor (New) (Retroactive start date: June 3, 2002)	\$15.00 hr.
Michael Corrigan 71 Marne Road Cheektowaga, New York	Tutor (New)	\$15.00 hr.
Susan Baker 122 West Hazeltine Avenue Kenmore, New York	Tutor (Re-hire)	\$15.00 hr.
Joseph Peterson 6 North Transithill Apt #5 Depew, New York	Tutor (New)	\$15.00 hr.
Amy Boy 172 Nathan's Trail Lancaster, New York	Tutor (New)	\$15.00 hr.
Frank DiLeo 264 Linden Avenue Buffalo, New York	Tutor (New)	\$15.00 hr.
Jennifer Blank 17 Shadyside Lane Lancaster, New York	Tutor (New)	\$15.00 hr.
Lisa Crone 4845 Transit Road # H-10 Depew, New York	Tutor (Re-hire)	\$15.00 hr.
Danielle Wojcicki 84 Harvey Drive Lancaster, New York	Tutor (New)	\$15.00 hr.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, General Obligations Law Section 5-238 permits the imposition
of return check charges to any check dishonored by a bank or a depository institution, and

WHEREAS, General Municipal Law Section 85 permits a charge of up to \$20
for these returned checks, and

WHEREAS, the Town Board has reviewed this matter and deems it in the
public interest to adopt a fee for returned checks;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster pursuant to
authority in General Obligations Law Section 5-238 and General Municipal Law Section 85 hereby
sets and authorizes the imposition of a returned check charge of \$20 on any check uttered to the
Town of Lancaster and dishonored by a bank or depository institution.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: rcheckreturncharge602

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, Design Works LLC, 3284 Walden Avenue, Depew, New York, has submitted a revised Site Plan prepared by Dean Sutton Architects, dated December 26, 2001, revised on February 1, 2002, and again revised on June 10, 2002 and received June 10, 2002 for the construction of a 8,400 sq. ft. child care center located at 4920 William Street in the Town of Lancaster, and

WHEREAS, the Planning Board reviewed the revised plan, and at its meeting June 5, 2002, recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held February 4, 2002 and a negative declaration was issued at that time:

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the revised Site Plan submitted by Design Works LLC, prepared by Dean Sutton Architects, dated December 26, 2001, revised on February 1, 2002, and again revised on June 10, 2002 and received June 10, 2002 for the construction of a 8,400 sq. ft. child care center located at 4920 William Street in the Town of Lancaster, contingent on the following:

1. The Southeast corner of Williamsburg Lane be reshaped to favor a left turn and to permit larger vehicles.
2. Signage prohibiting right turn to travel north on Williamsburg Lane.
3. The drive entering Williamsburg Lane to be signed as "one way" for traffic to travel westerly and prohibiting traffic from entering traveling easterly.
4. A 5' sidewalk with a 5' green buffer on the south side of the westerly driveway and a striped crossing from the sidewalk at the front of the building to the easterly end of the sidewalk on the south side of the westerly driveway.
5. Additional landscaping on the east end of the property to act as a buffer to the satisfaction of Terrace McCracken, General Crew Chief.
6. Fencing will include a stockade fence on the east side of the outdoor play area.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated June 12, 2002, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Michelle Pratt
303 Terrace Blvd
Depew, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York
14202, Consulting Engineer for the Town of Lancaster Senior Center building addition has submitted
Change Order No. 1 in the amount of \$3,000 to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
Change Order No. 1 to Donald Gallo, P.C. with respect to the Town of Lancaster Senior Center building
addition because of the necessity of increased inspection services due to the following major changes
not included in the original contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Modifying the restrooms for an additional stall.
2. Removing and replacing the existing sidewalk on the south side of the building.
3. Performing flooring work in existing rooms not included in the original contract.
4. Modifying the flagpole/circle for paving and sidewalk.
5. Installing an electric folding door instead of a manually operated folding door.
6. Revising the floor plan to minimize senior center disruption.
7. Modifying the dumpster pad.

CHANGE ORDER NO. 1:

The original Contract sum was \$6,300.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was \$6,300.00
The Contract Sum will be increased by this Change Order in
the amount of \$3,000.00
The new Contract Sum increased including this Change Order
will be \$9,300.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change
order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Donald Gallo, P.C. 589 Delaware Avenue, Buffalo, New York 14202,
Consulting Engineer for the Town of Lancaster Senior Center building addition has submitted Change
Order No. 2 in the amount of \$3,000 to the Town Board for their approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 2 to Donald Gallo, P.C. with respect to the Town of Lancaster Senior Center building
addition because of Town requested revisions and field modifications not included in the original
contract:

DESCRIPTION OF CHANGE ORDER FOR SENIOR CENTER:

1. Modifying the restrooms for an additional stall.
Our staff prepared a revised floor plan to include an additional stall in each restroom.
2. Removing and replacing the existing sidewalk on the south side of the building.
Additional time required to coordinate this work with the Town and the Contractor.
3. Performing flooring work in existing rooms not included in the original contract.
Additional time required to coordinate this work with the Town and the Contractor.
4. Modifying the flagpole/circle for paving and sidewalk.
Our firm prepared a detailed plan for this new work for quotation and construction.
5. Installing an electric folding door instead of a manually operated folding door.
This required additional shop drawing review and coordination with the Town and
Contractors.
6. Revising the floor plan to minimize senior center disruption.
Our firm prepared a detailed plan for this new work for quotation and construction.
7. Modifying the dumpster pad.
Our firm prepared a detailed plan for this new work for quotation and construction.

CHANGE ORDER NO. 2:

The original Contract sum was \$9,100.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was \$9,100.00
The Contract Sum will be increased by this Change Order in
the amount of \$3,000.00
The new Contract Sum increased including this Change Order
will be \$12,100.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change
order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

file: rchange ord (P12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK. TO WIT:

WHEREAS, the Town Attorney has advised the Town Board of the need to engage the services of outside counsel for purposes of prosecution of a pending disciplinary matter in the Town Police Department, and

WHEREAS, the Town Board has determined it to be in the public interest to engage the services of an attorney to represent the Town in the beforementioned matter;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to engage the services of an attorney at the recommendation of the Town Attorney to represent the Town in the prosecution of a pending disciplinary matter in the Town Police Department.

BE IT FURTHER

RESOLVED, that the fee for this service is not to exceed \$125 per hour.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: rweiss602

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by
the Director of Administration and Finance, to wit:

Claim No. 14680 to Claim No. 14907 Inclusive

Total amount hereby authorized to be paid: \$692,840.04

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

9146	Keysa, James	5454 Broadway	Er. Res. Alt.	(V/L)
9282	Sendker, Christopher	58 Running Brk Dr	Er. Deck	
9310	Bachowski, Wayne	30 Katelyn Ln	Er. Fence	
9311	Miller, Richard	15 Franklin St	Er. Fence	(V/L)
9312	Bascaglia, Steven	88 Pardee Ave	Er. Deck	(V/L)
9313	Patio Enclosures Inc	5 Dorchester Ct	Er. Res. Add.	
9314	Forbes Homes Inc	14 Buckingham Ct	Er. Dwlg.-Sin.	
9315	Lewczyk, David	129 Simme Rd	Er. Res. Alt.	
9316	Hutter, Edward	5531 Genesee St	Dem. Barn	
9317	Duro-Shed Inc	10 Winding Way	Er. Shed	
9318	Ryan Homes Inc	30 Creekwood Dr	Er. Dwlg.-Sin.	
9319	Ryan Homes Inc	36 Creekwood Dr	Er. Dwlg.-Sin.	
9320	Buinbridge Contracting	125 Aurora St	Er. Res. Add.	(V/L)
9321	Ferry, Walter	168 Nathan's Trl	Er. Dwlg.-Sin.	
9322	Modemcraft Home Impr.	21 Riemers Ave	Er. Res. Add.	
9323	Good Neighbor Fence	35 Camner Ave	Er. Fence	(V/L)
9324	D & D Home Improv.	772 Schwartz Rd	Er. Res. Add.	
9325	Duro-Shed Inc	723 Schwartz Rd	Er. Shed	
9326	Premier Fence Co	1 Summerfield Dr	Er. Fence	
9327	Barrett, James	4612 Walden Ave	Er. Garage	
9328	Majestic Pools Inc	35 Sagebrush Ln	Er. Fence	
9329	Majestic Pools Inc	35 Sagebrush Ln	Er. Pool-In Gmd	
9330	Ulbrich, Richard	21 Quail Hollow	Er. Pool-Abv Gmd	
9331	Colley's Pool Sales	1 Running Brk Dr	Er. Pool-Abv Gmd	
9332	Chodkowski, Keith	49 Village View	Er. Deck	
9333	Domino, Alfred	214 Nathan's Trl	Er. Pool-Abv Gmd	
9334	Mackey, Brian	610 Pleasant View Dr	Er. Fence	
9335	Michael Savastaino Co	59 Church St	Er. Res. Alt.	(V/L)
9336	Schifferle, Paul	7 Ryan St	Er. Shed	
9337	Conklin, Jeff	535 Eric St	Er. Res. Alt.	
9338	Marrano/Marc Equity	42 Hill Valley Dr	Er. Dwlg.-Sin.	

REFUNDED

9339	Marrano/Marc Equity	49 Cedar Brook Dr	Er. Dwlg.-Sin.	
9340	Marrano/Marc Equity	47 Cedar Brook Dr	Er. Dwlg.-Sin.	
9341	Wheeler, Gregory	77 Cotton St	Er. Deck	(V/L)
9342	Wagner, Mark	63 Michael's Walk	Er. Pool-Abv Grnd	
9343	Barberio, John	14 Stream View Ln	Er. Shed	
9344	Conte, Antonio	314 Enchanted Forest	Er. Fence	
9345	Puccio, Todd	44 Trentwood Trl N	Er. Shed	
9346	Majestic Pools Inc	10 Rose Hill Cir	Er. Pool-Abv Grnd	
9347	Bison Fence Inc	1866 Como Park Blvd	Er. Fence	(V/L)
9348	Nugent, Michael	68 Trentwood Trl N	Er. Fence	
9349	Nugent, Michael	68 Trentwood Trl N	Er. Shed	
9350	Tree of Life Church	6090 Broadway	Er. Sign	
9351	Wick, Kathy	1 Signal Dr	Er. Shed	
9352	Fruth, Caren	27 Garfield St	Er. Res. Add.	(V/L)
9353	Atlantic Garages	437 Lake Ave	Er. Garage	
9354	Custom Patio Rooms	21 Whitestone Ln	Er. Res. Add.	
9355	Smith, Jeffrey	81 Michael Anthony Ln	Er. Shed	
9356	Pioneer Properties Co	480 Aurora St	Er. Sign-Temp	
9357	Bates, Christopher	321 Enchanted Forest	Er. Shed	
9358	Sun Enterprises Inc	24 Hillside Pky	Er. Shed	
9359	Dwyer, Dennis	5219 Genesee St	Er. Fence	
9360	Murtzof, Harold	404 Schwartz Rd	Er. Pole Barn	
9361	Fry, Kenneth	255 Central Ave	Er. Pool-Abv Grnd	(V/L)
9362	Tupis, Jeffrey	26 Village View	Er. Fence	
9363	Forestream Village Inc	4725 Transit Rd	Er. Sign-Temp	
9364	D M U Fence	72 Laverack Ave	Er. Fence	(V/L)
9365	Avion Construction Co	36 Rue Madeleine Way	Er. Pool-Abv Grnd	
9366	Hoddick, Deborah	66 Aurora St	Er. Deck	(V/L)
9367	Strassheim, Dale	182 Irwinwood Rd	Er. Fence	(V/L)
9368	City Fence Inc	119 Southwest Pky	Er. Fence	(V/L)
9369	Topor Contracting	705 Aurora St	Dem. Barn & Silo	
9370	Iroquois Fence Co	13 Hunters Dr	Er. Fence	
9371	Hunt, Gregory	13 Cedar Brook Dr	Er. Pool-Abv Grnd	
9372	Bison Fencing	4576 Walden Ave	Er. Fence	
9373	Pacific Pools	4576 Walden Ave	Er. Pool-In Grnd	
9374	Pacific Pools	3 Bentley Cir	Er. Pool-In Grnd	
9375	Schaefer, James	4391 Walden Ave	Er. Sign	
9376	City Fence Inc	19 Fairfield Ave	Er. Fence	(V/L)
9377	City Fence Inc	241 Aurora St	Er. Fence	(V/L)
9378	Oncida Concrete Prod.	38 Fox Hunt Rd	Er. Fence	
9379	Wesolowski, Michael	1143 Penora St	Dem. Bldg	
9380	Benz, Patrick	107 Elm Pl	Er. Fence	(V/L)
9381	Marrano/Marc Equity	40 Summerfield Dr	Er. Dwlg.-Sin.	
9382	Marrano/Marc Equity	45 Cedar Brook Dr	Er. Dwlg.-Sin.	

9383	Premier Fence Co	16 Briarwood Dr	Er. Fence	(V/L)
9384	Bager, J	9 Garfield St	Er. Fence	(V/L)
9385	H & M Plumbing	60 Central Ave	Com. Plumbing	(V/L)
9386	Wienckowski Builders	St Marys St	Er. Comm. Alt.	(V/L)
9387	Ryan Homes	29 Creekwood Dr	Er. Dwlg.-Sin.	
9388	Ryan Homes	28 Creekwood Dr	Er. Dwlg.-Sin.	
9389	Madsen, John	19 Windcroft Ln	Er. Shed	
9390	Stablewski, Michael	5513 Broadway	Er. Fence	(V/L)
9391	Stablewski, Michael	5513 Broadway	Er. Deck	(V/L)
9392	Stablewski, Michael	5513 Broadway	Er. Pool-Abv Grnd	(V/L)
9393	Forbes Homes	9 Nottingham Ln	Er. Dwlg.-Sin.	
9394	Forbes Homes	5 Nottingham Ln	Er. Dwlg.-Sin.	
9395	Lin Zhen Shong	187 Enchanted Forest	Er. Deck	
9396	Lin Zhen Zhong	187 Enchanted Forest	Er. Pool-Abv Grnd	
9397	Hart to Hart Industries	134 Irwinwood Rd	Er. Res. Add.	(V/L)
9398	Amigone Ventures	5615 Broadway	Dem. Garage	(V/L)
9400	Creative Fence Co	135 Pleasant View Dr	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 17, 2002

File:Rbldg2

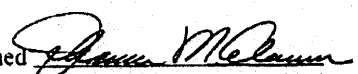
COMMUNICATIONS & REPORTS:

629. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Wal-Cem Realty Corp., 4039 Walden Avenue. DISPOSITION = Planning Committee
630. Town Clerk to Town Board -
Copy of fourth settlement payment to Erie County for 2002 County/Town tax warrant. DISPOSITION = Received and Filed
631. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding the Town of Lancaster Comprehensive Plan. Concerns noted. DISPOSITION = Planning Committee
632. Town Clerk to Town Board -
Transmittal of Clerk's Monthly Report for May 2002. DISPOSITION = Received and Filed
633. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from the Town Forestry Department for the site plan of Wehrle Commons Topographic & Boundary Survey - DISPOSITION = Planning Committee
634. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting on Wednesday, June 12, 2002, 9:30 AM, at the Donovan Building. DISPOSITION = Received and Filed
635. NYS Department of State to Town Board -
Information regarding the new building and energy codes of the Codes of New York State. DISPOSITION = Building Inspector
636. Crown Castle International to Town Board -
Notification of agreement with VoiceStream to place an antenna on existing tower located on Town owned property on Penora Street. DISPOSITION = Town Attorney
637. Association of Erie County Governments to Town Board -
Notice of meeting on Thursday, June 27, 2002, 6:00 PM, at Brant Community Center. DISPOSITION = Received and Filed
638. NYS Department of Motor Vehicles to All Local Governments -
Notice of amendment to Vehicle and Traffic Law regarding display of blue lights for volunteer firefighters. DISPOSITION = Fire Department, Office of Emergency Management
639. Town Clerk to Various News Media -
Notice to media of SEQR MRC meeting, June 17, 2002 at 6:30 PM to review the site plan application of Wal-Cem Corporation and to reaffirm the Findings and Determination for Fairway Hills Subdivision. DISPOSITION = Received and Filed
640. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, and Town Engineer -
Notice of SEQR meeting June 17, 2002 at 6:30 PM regarding the site plan of Wal-Cem Corporation and reaffirmation of findings for Fairway Hills Subdivision. DISPOSITION = Received and Filed
641. Supervisor to Town Clerk -
Request for resolution to create one position of Laborer-Highway. DISPOSITION = Resolution 6/17/02
642. Paul H. Przybysz to Supervisor -
Letter outlining buffer conditions between the proposed Wal-Mart and Northwood Village. DISPOSITION = Planning Committee

643. Executive Director, Youth Bureau to Supervisor & Town Board -
Request for appointment of Joseph Marinelli to Drug Abuse Prevention Council and
Kate Mason, Keith Benkleman, and Suzanne Jacobs to the Youth Board.
DISPOSITION = Resolution 6/17/02
644. Executive Director, Youth Bureau to Supervisor & Town Board -
Request resolution for appointment of tutors. DISPOSITION = Resolution 6/17/02
645. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer,
Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held June 5, 2002. DISPOSITION
= Received and Filed
646. Planning Board to Town Board -
Recommendation to approve amended site plan for Brierwood Child Day Care
Center with conditions. DISPOSITION = Resolution 6/17/02
647. Planning Board to Town Board -
Recommendation to approve site plan for an office building on Broadway near
Bowen Road with conditions. DISPOSITION = Planning Committee
648. Planning Board to Town Board -
Recommendation to deny rezone petition for 59, 63, & 67 Belmont Avenue.
DISPOSITION = Received and Filed
649. NYS Assembly Member Sanders to Town Clerk -
Comments regarding the proposed creation of NYS Institute of Cultural Education.
DISPOSITION = Received and Filed
650. Roy Schneggenburger to Town Attorney -
Comments regarding the Town Attorney's reply to Mr. Schneggenburger's FOIL
appeal. DISPOSITION = Received and Filed
651. Chief of Police to Planning Board Chairman -
Notice of approval from Police Department for the site plan for the proposed
Appleby's Restaurant, Transit Road. DISPOSITION = Planning Committee
652. Twin District Fire Company to Town Board -
Request for change in membership roster. DISPOSITION = Resolution 6/17/02
653. Donald Gallo, Consulting Engineer to Town Engineer -
Request for increase in fees for general services office time due to Town requested
revisions and field modifications for the Senior Center expansion project.
DISPOSITION = Resolution 6/17/02
654. Donald Gallo, Consulting Engineer to Town Engineer -
Request for increase in fees for inspection time due to Town requested revisions and
field modifications for the Senior Center expansion project. DISPOSITION =
Resolution 6/17/02
655. Dog Control Officer to Town Board -
Request that the Town Board sets a fee for euthanasia of dogs. DISPOSITION =
Town Attorney for resolution

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL
MEMBER STEMPNIK AND CARRIED, by voice vote, the meeting was adjourned at 9:43
P.M.

Signed 
Johanna M. Coleman, Town Clerk